

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RENEE FASSBENDER AMOCHAEV,
ET AL.,

No. C-05-01298 PJH (JCS)

Plaintiff(s),

v.

**ORDER DENYING DEFENDANT'S
MOTION TO COMPEL PURSUANT
TO FED. R. CIV. P. 37**

CITIGROUP GLOBAL MARKETS, INC.,
d/b/a SMITH BARNEY,

Defendant(s).

On September 25, 2006, Defendant Citigroup Global Markets Inc. d/b/a Smith Barney's Motion to Compel Pursuant to Fed. R. Civ. P. 37 [Docket No. 88] (the "Motion"). It appears to the Court that counsel have not made adequate efforts to resolve this matter. Therefore, the Court DENIES the Motion, without prejudice, for failure of counsel to adequately meet and confer **in person**.

With respect to all future motions to compel, the following procedures shall apply:

- 1) In the event that any party believes that there is a legitimate discovery dispute at which meet-and-confer efforts have failed (whether by telephone, letter, or meeting of counsel other than lead trial counsel), that party shall request an in-person meet-and-confer session attended by *lead trial counsel* for each side. Upon request, such a meeting shall occur within ten (10) business days.
- 2) The location of the meet-and-confer sessions shall alternate. The location of the first meet-and-confer session, as set forth above, will be chosen by counsel for Defendant. If new discovery disputes arise and another meet-and-confer session of lead trial

counsel is requested, the location to be chosen by counsel for Plaintiffs. If there are any further disputes, the location of the meet-and-confer sessions will alternate. Within five (5) business days of the lead trial counsels' meet-and-confer session, the parties shall provide a detailed letter to the Court that will include a description of every issue in dispute, and with respect to each such issue, a detailed summary of each party's final substantive position and their final proposed compromise on each issue. The Court will then determine what additional briefing and/or hearings, if any, are necessary.

IT IS SO ORDERED.

Dated: September 26, 2006



JOSEPH C. SPERO
United States Magistrate Judge